HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.10802 of 1999

Dated 9th day of July, 2007

Between:

Peddi Sammaiah ..
Petitioner

And

The Mandal Revenue Officer,
Tandur Mandal,
Adilabad DIstrict ..
Respondent

O R D E R:

This writ petition is filed seeking a mandamus to declare the Notice dated 25.5.1999 issued by the respondent-Mandal Revenue Officer, as arbitrary and illegal.

The petitioner asserts that an extent of Ac.2.75 cents of land in S.No.173/3 situated in Kothapalli village, Tandur Mandal was assigned to him as early as in the year 1972 by the then Tahsildar. Immediately thereafter, the petitioner brought the land under cultivation and has been eking out his livelihood by doing agriculture and paying cist, etc. to the Revenue Department regularly. While so, the respondent, without issuing any notice or opportunity to him, cancelled the patta by an order dated 5.10.1997. Questioning the cancellation of patta, the petitioner filed W.P.No.5359 of 1998, and this Court, by an order dated 2.3.1998, while allowing the writ petition, set aside the order of cancellation. Again, the respondent issued another notice stating that the petitioner had contravened the terms and conditions of the assignment order, for which the petitioner issued a reply. However, the respondent again cancelled the patta by his order, dated 24.3.1998. Questioning the said order, the petitioner filed a revision before the Joint Collector and as no interim order was passed, he filed W.P.No.14202 of 1998, and this Court, by an order dated 31.8.1998, allowed it directing the Joint Collector to dispose of the revision within a period of four weeks. In pursuance of the order dated 31.8.1998, the Joint Collector allowed the revision by his order dated 10.10.1998 observing that the assignment made in favour of the petitioner was in the year 1972 and the petitioner did not contravene any of the conditions of the assignment. In pursuance of the order of the Joint Collector, pattadar passbook and title deed also were issued to the petitioner. Now, the grievance of the petitioner is that the respondent,

once again served the impugned notice on 25.5.1999 stating that the petitioner had contravened the provision of Sub-section 2 of Section 3 of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity "the Act") and directed him to show cause within 15 days of the receipt of the notice as to why he should not be summarily evicted from the land in question.

The respondent has filed counter affidavit stating that as the petitioner alienated the land in question to Ashraf Khan, it necessitated the authorities to issue the impugned notice. It is further stated by the respondent that the issuance of the impugned notice is not to harass the petitioner, but only on account of the alienation.

Heard the learned counsel for both the parties and perused the material placed on record.

No doubt, the learned counsel for the petitioner has vehemently contended that the respondent only to harass the petitioner issued notice after notice, but the learned Assistant Government Pleader for Revenue contends that the impugned notice was issued inasmuch as the petitioner alienated the land in question to Ashraf Khan. On the earlier occasion, the notice was issued on the ground that the petitioner did not bring the land under cultivation within a period of three years, and hence, the Joint Collector negatived the petitioner's claim. Now, the notice dated 25.5.1999 impugned in this writ petition is about the alleged alienation made by the petitioner, it cannot be said that the Mandal Revenue Officer is issuing notice after notice for the purpose of harassing the petitioner. It is clear that the ground on which the earlier notice was issued is different from the ground on which the present notice is issued. Hence, this Court deems it appropriate to direct the petitioner to offer his explanation to the show cause notice dated 25.5.1999, and the respondent, after affording an opportunity to the petitioner, may pass appropriate orders in accordance with law.

With the above direction, the writ petition is disposed of. No

costs.

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09.07.2007

bcj